

REMARKS

Applicants have carefully examined the Office Action of December 2, 2008, in which claims 74, 77-84, 87-91, 130-133 and 140-153 are pending in the application and have been rejected. Applicants respectfully request re-examination in light of the above amendments and following remarks.

Claim Rejections

Claim 149 was rejected under 35 USC 112, second paragraph, as being “unclear how ‘the region’ can be ‘attached to a proximal waist of the balloon’ as is recited in claim 149 if claim 74 requires that ‘a length of the catheter shaft extending between the proximal end of the catheter shaft and the proximal end of the balloon has no balloons attached thereto.’” These elements are not mutually exclusive. Claim 74 recites “wherein the region is at least partially disposed proximally of the proximal end of the balloon.” Thus the region need not be fully disposed proximally of the proximal end of the balloon and therefore need not be fully part of the length of the catheter shaft extending between the proximal end of the catheter shaft and the proximal end of the balloon. Consequently, the limitation of claim 149 “wherein the region is attached to a proximal waist of the balloon” narrows the scope of the claims from which it depends without creating a contradiction with other recited elements. It is therefore submitted that claim 149 complies with 35 CFR 112 and applicants request withdrawal of this rejection.

Claims 74, 77-84, 87-91, 130-133 and 140-153 were rejected under 35 USC 103(a) as being unpatentable over Fulkerson, USPN 6,344,044, as evidenced by Berg, USPN 5,674,208. Applicants respectfully traverse the rejection.

Claim 74, for example, recites “A balloon catheter having a proximal end and a distal end, comprising a catheter shaft; a balloon having a proximal end and a distal end, the balloon disposed on the catheter shaft.” Fulkerson does not appear to disclose a balloon catheter as claimed. The shaft referred to in the Office Action for which col. 4, ll 48-64 were cited is a sleeve used to keep a stent compressed. Not only does this sleeve not have a balloon disposed

thereon as required by the language of the claims, but applicants can find no embodiments of Fulkerson in which a balloon is described. Similarly, Berg does not teach a catheter balloon.

Therefore, applicants respectfully submit that a balloon catheter as claimed in claim 74 with a region having a high-tensile strength polyamide in a region of the catheter shaft is not obvious over the cited prior art when all the words in the claims are properly in judging the patentability of the claim. Independent claim 84, which recites similar elements, is submitted to be in condition for allowance for similar reasons. Independent claims 80 and 89 and the claims which depended therefrom have been cancelled. Claims 77-79, 87-88, 130-133, 140, 142, 144-150 and 152, which depend from one of claims 74 and 84 and which contain additional elements, are also submitted to be in condition for allowance for at least that reason.

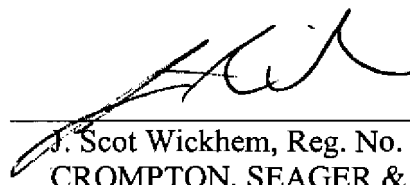
Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their Attorney,

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